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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2760/94**of 10 November 1994****adjusting, for the fourth time, the system of aid for cotton introduced by
Protocol 4 annexed to the Act of Accession of Greece**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 11 of Protocol 4 on cotton,

Having regard to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽¹⁾, and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas Article 2 (2) of Regulation (EEC) No 1964/87 provides that, with a view to avoiding excessive variations in the reduction of the norm price applied if the maximum guaranteed quantity is exceeded, the reduction shall be limited; whereas the said reduction is limited to 20 % of the norm price from the 1994/95 marketing year, while the reduction for the 1993/94 marketing year was limited to 15 %;

Whereas, in order to prevent the increase in the said reduction limit from 15 % to 20 % having damaging repercussions for operators, the adjustment should be introduced progressively by applying an intermediate limit of 18,5 % for the 1994/95 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation provides for adjustments to the system of aid for the production of cotton provided for in paragraph 3 of Protocol 4 annexed to the Act of Accession of Greece and adjusted by Regulation (EEC) No 1964/87.

Article 2

The second subparagraph of Article 2 (2) of Regulation (EEC) No 1964/87 shall be replaced by the following:

'However, without prejudice to the third subparagraph, if the reduction in the amount of aid exceeds 20 % of the norm price, this reduction shall be limited to 20 % for the marketing year concerned, except in the case of the 1994/95 marketing year, in respect of which the two abovementioned percentages shall be 18,5 %. The reduction which exceeds these limits shall be carried over to the norm price for the following marketing year within the limit of 7 %.'

Article 3

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from the 1994/95 marketing year.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 184, 3. 7. 1987, p. 14. Regulation as last amended by Regulation (EEC) No 1553/93 (OJ No L 154, 25. 6. 1993, p. 21).

⁽²⁾ OJ No C 269, 27. 9. 1994, p. 8.

⁽³⁾ Opinion delivered on 28 October 1994 (not yet published in the Official Journal).

**COUNCIL REGULATION (EC) No 2761/94
of 10 November 1994**

amending Regulation (EC) No 3676/93 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1994 and certain conditions under which they may be fished

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under the terms of Article 8 (4) of Regulation (EEC) No 3760/92, it is incumbent upon the Council to establish the total allowable catches (TACs) for each fishery or group of fisheries;

Whereas Regulation (EC) No 3676/93 ⁽²⁾, fixes, for certain fish stocks and groups of fish stocks, the TACs for 1994 and certain conditions under which they may be fished;

Whereas the state of the stocks of sprat and whiting in the North Sea, and of haddock to the west of Scotland, allow increases in their respective TACs without endangering the future management of these resources;

Whereas, taking account of the latest scientific advice, it is necessary to establish seasonal limitations on fishing activities in the Celtic Sea in order to limit fishing for herring;

Whereas Regulation (EC) No 3676/93 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3676/93 is hereby amended as follows:

1. A new paragraph shall be inserted after paragraph 7 of Article 6 as follows:

‘7a. Fishing for herring shall be prohibited from 30 October to 12 November 1994 within the area bounded by the following coordinates:

- the southern coast of Ireland at longitude 09°00’W,
- latitude 51°15’N, longitude 09°00’W,
- latitude 51°15’N, longitude 11°00’W,
- latitude 52°30’N, longitude 11°00’W,
- the west coast of Ireland at latitude 52°30’N.’

2. The Annex to this Regulation shall replace the corresponding elements of the existing Annex.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 341, 31. 12. 1993, p. 1.

ANEXO / BILAG / ANHANG / ΠΑΡΑΡΤΗΜΑ / ANNEX / ANNEXE / ALLEGATO / BIJLAGE /
ANEXO

TAC en 1994 por especie y zona y la distribución, entre los Estados miembros, de la parte asignada a la Comunidad (en toneladas peso vivo)

TAC for 1994 pr. bestand og pr. område og fordelingen blandt medlemsstaterne af Fællesskabets andel (tons levende vægt)

TAC für 1994 je Bestand und Bereich und die Aufteilung des für die Gemeinschaft verfügbaren Anteils auf die Mitgliedstaaten (in Tonnen Lebendgewicht)

TAC ανά απόθεμα και ζώνη για το 1994 καθώς και η κατανομή μεταξύ των κρατών μελών του χορηγούμενου στην Κοινότητα μεριδίου (σε τόνους ζωντανού δάφνου)

TACs by stock and by area for 1994 and the allocation among the Member States of the share available to the Community (in tonnes live weight)

TAC pour 1994 par stock et par zone ainsi que la répartition entre les États membres de la part attribuée à la Communauté (en tonnes poids vif)

TAC per il 1994 per popolazione e per zona e la ripartizione tra gli Stati membri della parte disponibile per la Comunità (in tonnellate peso vivo)

TAC voor 1994, per bestand en per gebied en de verdeling over de Lid-Staten van het voor de Gemeenschap beschikbare aandeel (in ton levend gewicht)

TAC para 1994, por existência e por zona e a repartição, entre os Estados-membros, da parte atribuída à Comunidade (em toneladas peso vivo)

Especie / Art / Art / Είδος / Species / Espèce / Specie / Soort / Espécie	Zona / Område / Bereich / Ζώνη / Zone / Zone / Zona / Sector / Zona	TAC	Estado miembro / Medlemsstat / Mitgliedstaat / Κράτος μέλος / Member State / État membre / Stato membro / Lid-Staat / Estado-membro	Cuota / Kvote / Quote / Ποσόστωση / Quota / Quota / Contingente / Quota / Quota
(1)	(2)	(3)	(4)	(5)
Espadín / Brisling / Sprotte / Σαρδέλες / Sprat / Sprat / Spratto / Sprot / Espadilha (<i>Sprattus sprattus</i>)	II a (1), IV (1)	170 000 (*)	België/Belgique Danmark Deutschland Ελλάδα España France Ireland Italia Luxembourg Nederland Portugal United Kingdom CE/EF/EG/EK/EC/EG	1 500 1 500 1 500 1 500 1 500 140 680 (3) (15) 149 680
Eglefino / Kuller / Schellfisch / Καλαμάρια / Haddock / Églefin / Eglefino / Schelvis / Arinca (<i>Gadus morhua</i>)	V b (1), VI, XII, XIV	21 000 (*)	België/Belgique Danmark Deutschland Ελλάδα España France Ireland Italia Luxembourg Nederland Portugal United Kingdom CE/EF/EG/EK/EC/EG	45 (48) 55 (48) 2 300 (49) 1 805 (50) 16 795 (51) 21 000

(1)	(2)	(3)	(4)	(5)
Merlán / Hvilling / Wittling / Μπακαλιάρος μερλάν / Whiting / Merlan / Merlano / Wijting / Badejo <i>Merlangus merlangus</i>	VII b, c, d, e, f, g, h, j, k	29 000 (*)	België/Belgique Danmark Deutschland Ελλάδα España France Ireland Italia Luxembourg Nederland Portugal United Kingdom CE/EF/EG/EK/EC/EG	280 17 410 8 060 140 3 110 29 000

(48) De las cuales no más de 35 toneladas pueden ser pescadas en las divisiones V b y VI a.

(49) De las cuales no más de 1 645 toneladas pueden ser pescadas en las divisiones V b y VI a.

(50) De las cuales no más de 1 290 toneladas pueden ser pescadas en las divisiones V b y VI a.

(51) De las cuales no más de 11 995 toneladas pueden ser pescadas en las divisiones V b y VI a.

(48) Af hvilke højst 35 tons må fiskes i afsnit V b og VI a.

(49) Af hvilke højst 1 645 tons må fiskes i afsnit V b og VI a.

(50) Af hvilke højst 1 290 tons må fiskes i afsnit V b og VI a.

(51) Af hvilke højst 11 995 tons må fiskes i afsnit V b og VI a.

(48) Wovon nicht mehr als 35 Tonnen in den Bereichen V b und VI a gefischt werden dürfen.

(49) Wovon nicht mehr als 1 645 Tonnen in den Bereichen V b und VI a gefischt werden dürfen.

(50) Wovon nicht mehr als 1 290 Tonnen in den Bereichen V b und VI a gefischt werden dürfen.

(51) Wovon nicht mehr als 11 995 Tonnen in den Bereichen V b und VI a gefischt werden dürfen.

(48) Εκ των οποίων όχι περισσότεροι από 35 τόνοι μπορούν να αλιευθούν στις διαιρέσεις V b και VI a.

(49) Εκ των οποίων όχι περισσότεροι από 1 645 τόνοι μπορούν να αλιευθούν στις διαιρέσεις V b και VI a.

(50) Εκ των οποίων όχι περισσότεροι από 1 290 τόνοι μπορούν να αλιευθούν στις διαιρέσεις V b και VI a.

(51) Εκ των οποίων όχι περισσότεροι από 11 995 τόνοι μπορούν να αλιευθούν στις διαιρέσεις V b και VI a.

(48) Of which no more than 35 tonnes may be fished in the divisions V b and VI a.

(49) Of which no more than 1 645 tonnes may be fished in the divisions V b and VI a.

(50) Of which no more than 1 290 tonnes may be fished in the divisions V b and VI a.

(51) Of which no more than 11 995 tonnes may be fished in the divisions V b and VI a.

(48) Dont pas plus de 35 tonnes peuvent être pêchés dans les divisions V b et VI a.

(49) Dont pas plus de 1 645 tonnes peuvent être pêchés dans les divisions V b et VI a.

(50) Dont pas plus de 1 290 tonnes peuvent être pêchés dans les divisions V b et VI a.

(51) Dont pas plus de 11 995 tonnes peuvent être pêchés dans les divisions V b et VI a.

(48) Di cui non più di 35 tonnellate possono essere pescate nelle divisioni V b e VI a.

(49) Di cui non più di 1 645 tonnellate possono essere pescate nelle divisioni V b e VI a.

(50) Di cui non più di 1 290 tonnellate possono essere pescate nelle divisioni V b e VI a.

(51) Di cui non più di 11 995 tonnellate possono essere pescate nelle divisioni V b e VI a.

(48) Waarvan niet meer dan 35 ton mag worden gevist in de ICES-sectoren V b en VI a.

(49) Waarvan niet meer dan 1 645 ton mag worden gevist in de ICES-sectoren V b en VI a.

(50) Waarvan niet meer dan 1 290 ton mag worden gevist in de ICES-sectoren V b en VI a.

(51) Waarvan niet meer dan 11 995 ton mag worden gevist in de ICES-sectoren V b en VI a.

(48) Das quais não mais de 35 toneladas podem ser pescadas nas divisões V b e VI a.

(49) Das quais não mais de 1 645 toneladas podem ser pescadas nas divisões V b e VI a.

(50) Das quais não mais de 1 290 toneladas podem ser pescadas nas divisões V b e VI a.

(51) Das quais não mais de 11 995 toneladas podem ser pescadas nas divisões V b e VI a.

COUNCIL REGULATION (EC) No 2762/94

of 10 November 1994

modifying Regulation (EEC) No 3928/92 establishing a NAFO pilot observer scheme applicable to Community vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas Regulation (EEC) No 3928/92 applies the NAFO pilot observer scheme adopted by the NAFO Fisheries Commission of the Northwest Atlantic Fisheries Organization on 18 September 1992 ⁽³⁾;

Whereas on 17 February 1994 the NAFO Fisheries Commission adopted a proposal to extend the said scheme to 31 December 1994;

Whereas pursuant to Article VI of the NAFO Convention the proposal will, in the absence of objections, become a measure binding upon Contracting Parties with effect from 18 April 1994;

Whereas extension of the scheme is acceptable to the Community;

Whereas it is necessary to amend Regulation (EEC) No 3928/92,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 3928/92 is hereby amended as follows :

1. in the second paragraph of Article 4, '30 June 1994' is replaced by '31 December 1994';
2. in 1 (i) of the Annex, '30 June 1994' is replaced by '31 December 1994'.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 10 November 1994.

For the Council

The President

U. SEILER-ALBRING

⁽¹⁾ OJ No C 193, 16. 7. 1994, p. 6.

⁽²⁾ Opinion delivered on 28 October 1994 (not yet published in the Official Journal).

⁽³⁾ OJ No L 397, 31. 12. 1992, p. 78. Corrigendum to the Regulation in OJ No L 44, 22. 2. 1993, p. 82.

COMMISSION REGULATION (EC) No 2763/94

of 14 November 1994

opening and providing for the administration of Community tariff quotas for certain agricultural products originating in the African, Caribbean and Pacific States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or to overseas countries and territories (OCT)⁽¹⁾, extended by Regulation (EEC) No 444/92⁽²⁾, and in particular Article 27 thereof,

Whereas Articles 16 of Regulation (EEC) No 715/90 provide for the opening by the Community of quotas for imports of the following:

- 2 000 tonnes of tomatoes, other than cherry tomatoes falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 2 000 tonnes of cherry tomatoes, falling within CN code ex 0702 00 10, for the period 15 November to 30 April,
- 200 tonnes of fresh figs falling within CN code ex 0804 20 10, for the period 1 November to 30 April,

- 1 500 tonnes of fresh strawberries falling within CN code ex 0810 10 90, for the period 1 November to 28 February;

Whereas it is in particular necessary to ensure that all Community importers enjoy equal and uninterrupted access to the abovementioned quotas and that the rates laid down for those quotas should apply consistently to all imports of the products concerned into all Member States until the quotas have been used up, and this during the period of validity of Regulation (EEC) No 715/90;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The customs duties applicable to imports into the Community of the following products originating in the African, Caribbean and Pacific States shall be suspended at the levels indicated and within the limits of the Community tariff quotas as shown below:

Order No	CN code (*)	Description	Amount of quota (tonnes)	Quota duty (%)
09.1601	ex 0702 00 10	Tomatoes, fresh or chilled, from 15 November of one year until 30 April of the following year	2 000	4,4 min. 0,8 ECU/100 kg/net
09.1613	ex 0702 00 10	Cherry tomatoes, fresh or chilled from 15 November of one year until 30 April of the following year	2 000	0
09.1608	ex 0804 20 10	Fresh figs, from 1 November of one year until 30 April of the following year	200	0
09.1603	ex 0810 10 90	Fresh strawberries, from 1 November of one year until 28 February of the following year	1 500	0

(*) Taric codes appear in the Annex.

(1) OJ No L 84, 30. 3. 1990, p. 85.

(2) OJ No L 52, 27. 2. 1992, p. 7.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer preserves an entry for release for free circulation in a Member State in respect of a product covered by this Regulation, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to requirements from the quota.

Requests for drawings, indicating the data on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota as soon as possible.

If the quantities requested are greater than the available balance of the quota, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have free access to the quotas for such time as the residual balance of the quotas so permits.

Article 5

The Member States and the Commission shall cooperate closely in order to ensure that this Regulation is complied with.

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 1 November 1994 and during the entire period of validity of Regulation (EEC) No 715/90.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

Christiane SCRIVENER

Member of the Commission

*ANNEX***Taric codes ⁽¹⁾**

Order No	CN code	Taric code
09.1601	ex 0702 00 10	0702 00 10*29 0702 00 10*39 0702 00 10*49 0702 00 10*58 0702 00 10*79 0702 00 10*84
09.1613	ex 0702 00 10	0702 00 10*21 0702 00 10*31 0702 00 10*41 0702 00 10*55 0702 00 10*71 0702 00 10*81
09.1608	ex 0804 20 10	0804 20 10*10 0804 20 10*40
09.1603	ex 0810 10 90	0810 10 90*32 0810 10 90*33 0810 10 90*36 0810 10 90*39

⁽¹⁾ The Taric codes shown are those applicable on the date of entry into force of the present Regulation.

COMMISSION REGULATION (EC) No 2764/94
of 14 November 1994

determining the quantities of certain categories of milk and milk products available for the first quarter of 1995 under the arrangements provided for in the European Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as last amended by Regulation (EC) No 3550/93⁽²⁾, and in particular Article 4 (5) thereof,

Whereas, pursuant to Commission Regulation (EC) No 2085/94⁽³⁾ determining the extent to which applications lodged in October 1994 for import licences for certain milk products and products covered by the arrangements provided for in the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic can

be accepted, applications for import licences for certain of the products referred to in Regulation (EEC) No 584/92 were for quantities exceeding those available; whereas, therefore the quantity of each product available for the period from 1 January to 31 March 1995 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available pursuant to Regulation (EEC) No 584/92 for the period from 1 January to 31 March 1995 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 324, 24. 12. 1993, p. 15.

⁽³⁾ OJ No L 217, 23. 8. 1994, p. 4.

ANNEX

Total quantities available for the period 1 January to 31 March 1995

Country	Poland			Czech Republic			Slovak Republic			Hungary
	0402 10 19 0402 21 19 0402 21 99	0405 00 11 0405 00 19 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block ⁽¹⁾	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block ⁽¹⁾	
CN code and product										ex 0406 90 86 ex 0406 90 87 ex 0406 90 88 Balaton ⁽²⁾
Quantity available	966,630	325	653,980	536,730	210	169,732	278,360	223,510	202,864	633,590

⁽¹⁾ Primator, Otava, Javor, Uzeny block, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.
⁽²⁾ Cream-white, Hajdu, Marvany, Ovavi, Pannonia, Trappista, Bakony, Bacsikai, Ban, Delicacy cheese 'Moson', Delicacy cheese 'Pelso', Goya, Ham-shaped, Karavan, Lajta, Parenyica, Sed, Tihany.

COMMISSION REGULATION (EC) No 2765/94
of 14 November 1994
fixing the import levies on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1880/94 ⁽²⁾, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EC) No 1924/94 ⁽³⁾, as last amended by Regulation (EC) No 2638/94 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1924/94 to the prices

known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 198, 30. 7. 1994, p. 6.

⁽⁴⁾ OJ No L 280, 29. 10. 1994, p. 59.

ANNEX

to the Commission Regulation of 14 November 1994 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		17,09	0403 10 16	(¹)	2,0910/kg + 27,71
0401 10 90		15,88	0403 10 22		25,61
0401 20 11		23,20	0403 10 24		30,32
0401 20 19		21,99	0403 10 26		72,74
0401 20 91		27,91	0403 10 32	(¹)	0,1957/kg + 26,50
0401 20 99		26,70	0403 10 34	(¹)	0,2428/kg + 26,50
0401 30 11		70,33	0403 10 36	(¹)	0,6670/kg + 26,50
0401 30 19		69,12	0403 90 11		121,47
0401 30 31		134,22	0403 90 13		180,99
0401 30 39		133,01	0403 90 19		216,35
0401 30 91		224,16	0403 90 31	(¹)	1,1422/kg + 27,71
0401 30 99		222,95	0403 90 33	(¹)	1,7374/kg + 27,71
0402 10 11	(¹)	121,47	0403 90 39	(¹)	2,0910/kg + 27,71
0402 10 19	(³) (⁴)	114,22	0403 90 51		25,61
0402 10 91	(¹) (⁴)	1,1422/kg + 27,71	0403 90 53		30,32
0402 10 99	(¹) (⁴)	1,1422/kg + 20,46	0403 90 59		72,74
0402 21 11	(¹)	180,99	0403 90 61	(¹)	0,1957/kg + 26,50
0402 21 17	(¹)	173,74	0403 90 63	(¹)	0,2428/kg + 26,50
0402 21 19	(³) (⁴)	173,74	0403 90 69	(¹)	0,6670/kg + 26,50
0402 21 91	(³) (⁴)	216,35	0404 10 02		30,18
0402 21 99	(³) (⁴)	209,10	0404 10 04		180,99
0402 29 11	(¹) (³) (⁴)	1,7374/kg + 27,71	0404 10 06		216,35
0402 29 15	(¹) (⁴)	1,7374/kg + 27,71	0404 10 12		121,47
0402 29 19	(¹) (⁴)	1,7374/kg + 20,46	0404 10 14		180,99
0402 29 91	(¹) (⁴)	2,0910/kg + 27,71	0404 10 16		216,35
0402 29 99	(¹) (⁴)	2,0910/kg + 20,46	0404 10 26	(¹)	0,3018/kg + 20,46
0402 91 11	(¹)	37,97	0404 10 28	(¹)	1,7374/kg + 27,71
0402 91 19	(¹)	37,97	0404 10 32	(¹)	2,0910/kg + 27,71
0402 91 31	(¹)	47,46	0404 10 34	(¹)	1,1422/kg + 27,71
0402 91 39	(¹)	47,46	0404 10 36	(¹)	1,7374/kg + 27,71
0402 91 51	(¹)	134,22	0404 10 38	(¹)	2,0910/kg + 27,71
0402 91 59	(¹)	133,01	0404 10 48	(²)	0,3018/kg
0402 91 91	(¹)	224,16	0404 10 52	(²)	1,7374/kg + 6,04
0402 91 99	(¹)	222,95	0404 10 54	(²)	2,0910/kg + 6,04
0402 99 11	(¹)	55,00	0404 10 56	(²)	1,1422/kg + 6,04
0402 99 19	(¹)	55,00	0404 10 58	(²)	1,7374/kg + 6,04
0402 99 31	(¹) (⁴)	1,3059/kg + 24,09	0404 10 62	(²)	2,0910/kg + 6,04
0402 99 39	(¹) (⁴)	1,3059/kg + 22,88	0404 10 72	(²)	0,3018/kg + 20,46
0402 99 91	(¹) (⁴)	2,2053/kg + 24,09	0404 10 74	(²)	1,7374/kg + 26,50
0402 99 99	(¹) (⁴)	2,2053/kg + 22,88	0404 10 76	(²)	2,0910/kg + 26,50
0403 10 02		121,47	0404 10 78	(²)	1,1422/kg + 26,50
0403 10 04		180,99	0404 10 82	(²)	1,7374/kg + 26,50
0403 10 06		216,35	0404 10 84	(²)	2,0910/kg + 26,50
0403 10 12	(¹)	1,1422/kg + 27,71	0404 90 11		121,47
0403 10 14	(¹)	1,7374/kg + 27,71	0404 90 13		180,99

CN code	Note (*)	Import levy	CN code	Note (*)	Import levy
0404 90 19		216,35	0406 90 31	(3) (*)	162,53
0404 90 31		121,47	0406 90 33	(3) (*)	162,53
0404 90 33		180,99	0406 90 35	(3) (*)	162,53
0404 90 39		216,35	0406 90 37	(3) (*)	162,53
0404 90 51	(1)	1,1422/kg + 27,71	0406 90 39	(3) (*)	162,53
0404 90 53	(1) (3)	1,7374/kg + 27,71	0406 90 50	(3) (*)	162,53
0404 90 59	(1)	2,0910/kg + 27,71	0406 90 61	(3) (*)	377,92
0404 90 91	(1)	1,1422/kg + 27,71	0406 90 63	(3) (*)	377,92
0404 90 93	(1) (3)	1,7374/kg + 27,71	0406 90 69	(3) (*)	377,92
0404 90 99	(1)	2,0910/kg + 27,71	0406 90 73	(3) (*)	162,53
0405 00 11	(3)	230,82	0406 90 75	(3) (*)	162,53
0405 00 19	(3)	230,82	0406 90 76	(3) (*)	162,53
0405 00 90		281,60	0406 90 78	(3) (*)	162,53
0406 10 20	(3) (*)	204,08	0406 90 79	(3) (*)	162,53
0406 10 80	(3) (*)	259,25	0406 90 81	(3) (*)	162,53
0406 20 10	(3) (*)	377,92	0406 90 82	(3) (*)	162,53
0406 20 90	(3) (*)	377,92	0406 90 84	(3) (*)	162,53
0406 30 10	(3) (*)	165,00	0406 90 85	(3) (*)	162,53
0406 30 31	(3) (*)	153,66	0406 90 86	(3) (*)	162,53
0406 30 39	(3) (*)	165,00	0406 90 87	(3) (*)	162,53
0406 30 90	(3) (*)	261,72	0406 90 88	(3) (*)	162,53
0406 40 10	(3) (*)	149,69	0406 90 93	(3) (*)	204,08
0406 40 50	(3) (*)	149,69	0406 90 99	(3) (*)	259,25
0406 40 90	(3) (*)	149,69	1702 10 10		64,32
0406 90 11	(3) (*)	211,82	1702 10 90		64,32
0406 90 13	(3) (*)	151,90	2106 90 51		64,32
0406 90 15	(3) (*)	151,90	2309 10 15		88,09
0406 90 17	(3) (*)	151,90	2309 10 19		114,36
0406 90 19	(3) (*)	377,92	2309 10 39		106,72
0406 90 21	(3) (*)	211,82	2309 10 59		87,06
0406 90 23	(3) (*)	162,53	2309 10 70		114,36
0406 90 25	(3) (*)	162,53	2309 90 35		88,09
0406 90 27	(3) (*)	162,53	2309 90 39		114,36
0406 90 29	(3) (*)	162,53	2309 90 49		106,72
			2309 90 59		87,06
			2309 90 70		114,36

(1) The levy on 100 kg of product falling within this code is equal to the sum of the following:

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and
- (b) the other amount indicated.

(2) The levy on 100 kg of product falling within this code is equal to:

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,
- (b) the other amount indicated.

(3) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with Regulation (EEC) No 1767/82, is presented,
- for which an EUR 1 certificate, issued in accordance with amended Regulation (EEC) No 1316/93 for Sweden, amended Regulation (EEC) No 584/92 for Poland, the Czech and Slovak Republics and Hungary and Commission Regulation (EC) No 385/94 (OJ No L 50, 22. 2. 1994, p. 7) for Bulgaria and Romania, is presented,

shall be subject to the levies defined in the said Regulations, respectively.

(4) The levy applicable is limited under the conditions laid down in Regulation (EEC) No 715/90.

(5) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 2766/94**of 14 November 1994****altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 19 (1) and (2) thereof,

Whereas the rates of the refunds applicable from 1 June 1994 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2641/94 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2641/94 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2641/94 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 280, 29. 10. 1994, p. 66.

ANNEX

to the Commission Regulation of 14 November 1994 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	— Rate of refund in ECU/100 kg —
White sugar :	30,60
Raw sugar :	28,15
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$30,60^{(1)} \times \frac{S^{(1)}}{100}$ or the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	30,60 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 2767/94
of 14 November 1994
fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2759/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 November 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 292, 12. 11. 1994, p. 29.

ANNEX

to the Commission Regulation of 14 November 1994 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	31,72 ⁽¹⁾
1701 11 90	31,72 ⁽¹⁾
1701 12 10	31,72 ⁽¹⁾
1701 12 90	31,72 ⁽¹⁾
1701 91 00	36,95
1701 99 10	36,95
1701 99 90	36,95 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 2768/94**of 14 November 1994****altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 19 (4) thereof,Whereas the refunds on syrups and certain other sugar products were fixed by Regulation (EC) No 2653/94 ⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in amended Regulation (EC) No 2653/94 to the information at present available to the

Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2653/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 284, 1. 11. 1994, p. 12.

ANNEX

to the Commission Regulation of 14 November 1994 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	30,60 ⁽²⁾ ⁽³⁾
1702 60 10 000	30,60 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 900	0,3060 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	30,60 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3060 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,3060 ⁽¹⁾ ⁽³⁾
1702 90 90 800	0,3060 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	30,60 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3060 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as last amended by Regulation (EC) No 607/94 (OJ No L 77, 19. 3. 1994, p. 5).

COMMISSION REGULATION (EC) No 2769/94**of 14 November 1994****altering the export refunds on white sugar and raw sugar exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 133/94⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2681/94⁽³⁾, as amended by Regulation (EC) No 2727/94⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2681/94 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as amended by Regulation (EC) No 3528/93⁽⁶⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as amended by Regulation (EC) No 547/94⁽⁸⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2681/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 285, 4. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 288, 9. 11. 1994, p. 34.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 69, 12. 3. 1994, p. 1.

ANNEX

to the Commission Regulation of 14 November 1994 altering the export refunds on white sugar and raw sugar exported in the natural state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	28,15 ⁽¹⁾
1701 11 90 910	28,15 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	28,15 ⁽¹⁾
1701 12 90 910	28,15 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3060
	— ECU/100 kg —
1701 99 10 100	30,60
1701 99 10 910	30,60
1701 99 10 950	30,60
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3060

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of amended Regulation (EEC) No 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2770/94**of 14 November 1994****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 133/94 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 2654/94 ⁽⁵⁾, as last amended by Regulation (EC) No 2742/94 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2654/94 to the informa-

tion known to the Commission that the basic amount of the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 November 1994, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 2654/94 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 22, 27. 1. 1994, p. 7.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 284, 1. 11. 1994, p. 15.

⁽⁶⁾ OJ No L 289, 10. 11. 1994, p. 22.

ANNEX

**to the Commission Regulation of 14 November 1994 altering the basic amount of the
import levy on syrups and certain other products in the sugar sector**

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,3695	—
1702 20 90	0,3695	—
1702 30 10	—	50,59
1702 40 10	—	50,59
1702 60 10	—	50,59
1702 60 90 10 ⁽²⁾	—	96,12
1702 60 90 90 ⁽²⁾	0,3695	—
1702 90 30	—	50,59
1702 90 60	0,3695	—
1702 90 71	0,3695	—
1702 90 90 10 ⁽⁴⁾	—	96,12
1702 90 90 90 ⁽²⁾	0,3695	—
2106 90 30	—	50,59
2106 90 59	0,3695	—

⁽¹⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

⁽⁴⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product, other than that falling within subheading 1702 60 90, obtained by hydrolysis of inulin or oligofructoses, containing by weight in the dry state at least 10 % fructose in free form or as sucrose.

⁽⁵⁾ Taric code : CN code 1702 90 90, other than inulin syrup.

COMMISSION REGULATION (EC) No 2771/94**of 14 November 1994****fixing the premiums to be added to the import levies on cereals, flour and malt**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1866/94 ⁽²⁾, and in particular Article 12 (4) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as amended by Regulation (EC) No 3528/93 ⁽⁴⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94 ⁽⁵⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11

November 1994, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 39.

ANNEX

to the Commission Regulation of 14 November 1994 fixing the premiums to be added to the import levies on cereals, flour and malt

A. Cereals and flour

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
1001 90 91	0	0	12,63	9,99
1001 90 99	0	0	12,63	9,99
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	0
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00 00	0	0	17,68	13,99
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

B. Malt

(ECU/tonne)

CN code	Current 11	1st period 12	2nd period 1	3rd period 2	4th period 3
1107 10 11	0	0	22,48	17,78	17,78
1107 10 19	0	0	16,80	13,29	13,29
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 11 July 1994

on the conclusion of an Agreement in the form of an exchange of letters concerning fish, amending the Interim Agreement on trade and trade-related matters between the European Economic Community and European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, and the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part

(94/733/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 in conjunction with Article 228 (2) thereof,

Having regard to the proposal from the Commission,

Whereas it is desirable to amend by means of an Agreement in the form of an exchange of letters with the Slovak Republic the Interim Agreement on trade and trade-related matters between the European Economic Community and European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part⁽¹⁾, and the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, so as to provide for duty-free quotas for the importation into the Community of live trout and carp originating in the Slovak Republic, and for the importation into the Slovak Republic of frozen mackerel originating in the Community,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the Slovak Republic concerning fish, amending Article 17 of the

Interim Agreement on trade and trade-related matters between the European Economic Community and European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part, and Article 24 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, and adding an Annex XVa and an Annex XVb to those Agreements is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Done at Brussels, 11 July 1994.

For the Council

The President

Th. WAIGEL

⁽¹⁾ OJ No L 115, 30. 4. 1992, p. 2.

AGREEMENT

in the form of an exchange of letters between the European Community and the Slovak Republic concerning fish

A. Letter from the Community

Brussels, 28 October 1994

Sir,

I refer to :

- the Interim Agreement signed between the European Economic Community and the European Coal and Steel Community and the Czech and Slovak Federal Republic on 16 December 1991, as subsequently amended by the Supplementary Protocol signed between the European Community and the Slovak Republic on 21 December 1993, and
- the Europe Agreement signed between the European Communities and their Member States of the one part and the Slovak Republic of the other part on 4 October 1993 and, in particular, the recommendation by the Joint Committee established by the Agreement on Trade and Commercial and Economic Cooperation signed between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on 7 May 1990 made during its meeting of 21 October 1993 Bratislava on certain types of live fresh water fish.

I hereby would like to confirm that the Community agrees to this recommendation and in consequence makes the following amendments to the Interim Agreement and to the Europe Agreement :

- (i) Two new sentences shall be added after the first sentence to Article 17 of the Interim Agreement and to Article 24 of the Europe Agreement as follows :

'The fishery products originating in the Slovak Republic listed in Annex XVa shall benefit from 1 January to 31 December 1994 from the reduction of Community customs duties provided in that Annex within the limits of the amounts therein contained. The fishery products originating in the Community listed in Annex XVb shall benefit from 1 January 1994 to 31 December 1994 from the reduction of Slovak Republic customs duties provided in that Annex within the limits of the amounts contained therein. Both parties shall examine before 31 October 1994 the treatment to be applied to these concessions in subsequent periods.'

- (ii) An Annex XVa and an Annex XVb in the form annexed to this exchange of letters shall be added to the Interim Agreement and to the Europe Agreement.

I should be obliged if you would confirm the agreement of the Slovak Republic to the amendments to the above Interim Agreement and to the Europe Agreement.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the
Council of the European Union*



B. Letter from the Slovak Republic

Brussels, 28 October 1994.

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows :

'I refer to :

- the Interim Agreement signed between the European Economic Community and the European Coal and Steel Community and the Czech and Slovak Federal Republic on 16 December 1991, as subsequently amended by the Supplementary Protocol signed between the European Community and the Slovak Republic on 21 December 1993, and
- the Europe Agreement signed between the European Communities and their Member States of the one part and the Slovak Republic of the other part on 4 October 1993 and, in particular, the recommendation by the Joint Committee established by the Agreement on Trade and Commercial and Economic Cooperation signed between the European Economic Community and the European Atomic Energy Community and the Czech and Slovak Federal Republic on 7 May 1990 made during its meeting of 21 October 1993 in Bratislava on certain types of live fresh water fish.

I hereby would like to confirm that the Community agrees to this recommendation and in consequence agrees to make the following amendments to the Interim Agreement and to the Europe Agreement :

- (i) Two new sentences shall be added after the first sentence to Article 17 of the Interim Agreement and to Article 24 of the Europe Agreement as follows :

"The fishery products originating in the Slovak Republic listed in Annex XVa shall benefit from 1 January to 31 December 1994 from the reduction of Community customs duties provided in that Annex within the limits of the amounts therein contained. The fishery products originating in the Community listed in Annex XVb shall benefit from 1 January 1994 to 31 December 1994 from the reduction of Slovak Republic customs duties provided in that Annex within the limits of the amounts contained therein. Both parties shall examine before 31 October 1994 the treatment to be applied to these concessions in subsequent periods."

- (ii) An Annex XVa and an Annex XVb in the form annexed to this exchange of letters shall be added to the Interim Agreement and to the Europe Agreement.

I should be obliged if you would confirm the agreement of the Slovak Republic to the above amendments to the Interim Agreement and to the Europe Agreement.'

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

*For the
Government of the Slovak Republic*



ANNEX XVa

Duties on certain fish imported into the Community originating in the Slovak Republic

CN code	Description	Duty %	Annual quantity
0301 91 00	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i>), live	0 (')	50 tonnes
0301 93 00	Carp, live	0 (')	50 tonnes

(') Subject to compliance with the reference price.

ANNEX XVb

Duties on certain frozen fish imported into the Slovak Republic originating in the Community

CN code	Description	Duty %	Annual quantity
0303 74 11 0303 74 19	Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , frozen	} 0	1 000 tonnes

COUNCIL DECISION
of 7 November 1994
appointing a member of the Committee of the Regions
(94/734/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision of 26 January 1994 appointing members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998 ⁽¹⁾,

Whereas a seat has become vacant on the Committee of the Regions following the resignation of Mr Jean Baggioni, notified to the Council on 24 October 1994;

Having regard to the proposal from the French Government,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Jérôme Polvéryni is hereby appointed a member of the Committee of the Regions in place of Mr Jean Baggioni for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 7 November 1994.

For the Council

The President

Th. WAIGEL

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COMMISSION

COMMISSION DECISION

of 14 October 1994

imposing a fine pursuant to Article 15 (1)(c) of Council Regulation No 17 on
Akzo Chemicals BV

(Only the Dutch text is authentic)

(94/735/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty ⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Articles 14 and 15 thereof,

Having given the undertaking concerned the opportunity of being heard on the matters to which the Commission has taken objection, in accordance with Article 19 (1) of Regulation No 17 in conjunction with Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19 (1) and (2) of Council Regulation No 17 ⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas :

I. THE FACTS

- (1) By Decision of 22 September 1993 pursuant to Article 14 (3) of Regulation No 17, the Commission ordered Akzo Chemicals BV to submit to an investigation into its activities on certain salt markets.
- (2) The Articles of the Decision on 22 September 1993 provide as follows :

Article 1

Akzo Chemicals BV and ... are hereby required to submit to an investigation into ...

Akzo Chemicals BV and ... shall permit the Commission officials authorized to carry out the investigation and the officials of the Member State concerned assisting them to enter all their business premises, land and means of transport during normal office hours. They shall produce for inspection the books and other business records required by the said officials and shall permit them to examine the books and business records on the spot and take copies of or extracts from them. They shall immediately give on the spot such oral explanations relating to the subject matter of the investigation as the said officials may require.

Article 2

The investigations shall begin on or after 6 October 1993.

Article 3

This Decision is addressed to ... and Akzo Chemicals BV, 4 Stationsplein, NL-3818 Amersfoort and 20 Boortorenweg, NL-7554 RS Hengelo OV.

This Decision shall be notified when certified copies thereof are handed over to each of the undertakings concerned immediately before the investigation by the duly authorized Commission officials.'

- (3) On 6 October 1993, shortly after 9.30 a.m., the duly authorized Commission officials notified the Decision to Akzo Chemicals BV by simultaneously handing over certified copies of it at its registered office in Amersfoort and at its branch establishment at Hengelo.

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

- (4) The Commission officials began to carry out the investigation at Amersfoort and Hengelo immediately after notification of the Decision. The undertaking had not been informed of the investigation beforehand, so as to safeguard the effectiveness of the investigation by making sure that it came as a surprise.
- (5) Shortly after the start of the investigation at the offices of the branch establishment of Akzo Chemicals BV at Hengelo, the Commission officials discovered an 'organization chart'. This appeared to indicate that there was in Arnhem a 'group management' of the Akzo Chemicals Group, of which the 'Business Unit Salt/West Europe' formed part. The Commission officials carrying out the investigation at Hengelo terminated their activities there about 10 a.m. in order to continue the investigation at Arnhem.
- (6) On 6 October 1993, at 11.30 a.m., they handed over at the Akzo offices in Arnhem a certified copy of the Decision of 22 September 1993 to Mr Vogelaar, who is identified in the abovementioned 'organization chart' as a member of the 'group management' of the Akzo Chemicals Group. Mr. Vogelaar was assisted by two members of the legal department of Akzo NV. The Commission officials requested the Akzo representatives to allow them access to the office of Mr Kent, who is similarly identified in the abovementioned 'organization chart' as the member of the 'group management' of the Akzo Chemicals Group responsible for 'commercial services', in order to carry out the investigation. This request was refused. The explanation given for such refusal was that 'the terms of reference of the investigation did not include the carrying out of an inquiry under (the) ... Decision of 22 September 1993 at Akzo NV Arnhem, where this request was made'. Following this refusal, the Commission officials asked whether there were in fact offices of Akzo Chemicals BV at Arnhem. In answer to this general question, one of the two members of the legal service of Akzo NV stated that 'there are no offices of Akzo Chemicals BV in Arnhem'. This statement, which was officially recorded, was made in the presence of Mr Vogelaar, who, it later emerged, is the designated director of Akzo Chemicals BV. Acting on the basis of this information, the inspectors refrained from requesting access at that time to other premises in Arnhem, including in particular the office of Mr Vogelaar himself.
- (7) The Commission officials then left Arnhem. They joined their colleagues who were carrying out the investigation at the business premises of Akzo Chemicals BV in Amersfoort.
- (8) The following day, the investigation resumed in Amersfoort. Representatives of Akzo Chemicals BV informed the inspectors that Mr Vogelaar was designated director of the company. In the light of this information, the inspectors asked to be allowed access to Mr Vogelaar's office for the purpose of carrying out the investigation. They addressed this request, in Amersfoort, to Mr Bierman, 'General Manager Business Unit Salt/West Europe' and mandated manager (procuratiehouder) of Akzo Chemicals BV, and as such the company's senior representative present. Mr Bierman did not comply with this request. He stated: 'I cannot grant you access to the office of Mr Vogelaar. Mr Vogelaar has no office in Amersfoort'.
- (9) The investigation in Amersfoort was terminated on the same day.
- (10) By Decision of 15 October 1993 the Commission imposed on Akzo Chemicals BV a periodic penalty payment in order to compel it to submit to the investigation which it had ordered by Decision of 22 September 1993 and to allow the carrying-out of the investigation at the offices of its manager. On 19 October 1993 the Decision imposing periodic penalty payments was notified to Akzo Chemicals BV by the Commission officials authorized to continue the investigation. A certified copy of the Decision was handed over at its registered office in Amersfoort to Mr Oosterholt, a member of the company's legal department. The Commission officials asked Mr Oosterholt to allow access to the office of Mr Vogelaar, a director of Akzo Chemicals BV, for the purpose of carrying out the investigation. Mr Oosterholt first stated that Mr Vogelaar did not have an office in Amersfoort. However, he said that he would ensure that the investigation would be allowed in the office of Mr Vogelaar. He indicated Arnhem as being the place in which such office was situated. The Commission officials then went to Arnhem, where, under strong protest and with all rights being reserved, they were allowed access to Mr Vogelaar's office.
- (11) The Commission officials carried out the investigation in Mr Vogelaar's office that same day. During the further course of this proceeding, Akzo Chemicals BV pointed out that Mr Kent and Mr Vogelaar, identified as members of the 'group management', pursued their activities in the service of Akzo Nederland BV on behalf or in support of the board

of management of Akzo NV. The inspectors were also allowed access, under protest, to the office of Mr Kent. On 20 October 1994 the inspectors had talks with the member of the board of management of Akzo NV responsible for the Chemicals Group, who gave an explanation of the new organizational structure of the Akzo group.

II. LEGAL ASSESSMENT

1. Article 14 of Regulation No 17

- (12) Under Article 14 of Regulation No 17, the Commission may, in carrying out the duties assigned to it by Article 89 and by provisions adopted under Article 87 of the Treaty, undertake all necessary investigations into undertakings. To this end the officials authorized by the Commission are empowered:
- (a) to examine the books and other business records;
 - (b) to take copies of or extracts from the books and business records;
 - (c) to ask for oral explanations on the spot;
 - (d) to enter any premises, land and means of transport of undertakings.
- (13) Pursuant to Article 14(3) of Regulation No 17, undertakings are required to submit to investigations ordered by decision of the Commission.
- (14) Akzo Chemicals BV did not submit to the investigation which the Commission ordered by Decision of 22 September 1993 pursuant to Article 14(3) of Regulation No 17, inasmuch as:
- (a) on 6 October 1993 it supplied incorrect oral information to the effect that there were no offices of Akzo Chemicals BV in Arnhem (see recital 6);
 - (b) on 7 October 1993 it did not comply with the request for access to the office of Mr Vogelaar for the purpose of carrying out the investigation (see recital 8 above).
- (15) Akzo Chemicals BV argues that, in its Decision of 22 September 1993, the Commission confined the investigation to its registered office in Amersfoort and its branch establishment at Hengelo. Such restriction stems, according to the undertaking, from Article 3 of the Decision, which specifies only the premises in Amersfoort and Hengelo.
- (16) This argument put forward by Akzo Chemicals BV cannot be accepted. The structure of the articles of the Decision of 22 September 1993 makes it clear that the scope of the investigation, and hence the obligation on the relevant undertaking to cooperate, is indicated by Article 1 of the Decision. Such scope is not limited geographically. In particular, the Commission stipulated that Akzo Chemicals BV was required to allow the Commission officials access to all its premises, land and means of transport. Article 3 of the Decision specifies those on whom it is binding 'in its entirety' pursuant to the fourth paragraph of Article 189 of the EC Treaty. The Decision of 22 September 1993 is expressly addressed to Akzo Chemicals BV. If in this connection both the registered office of Akzo Chemicals BV in Amersfoort and its branch establishment in Hengelo are specified, the purpose of such information is solely to indicate as precisely as possible the undertaking to which the Decision is addressed.
- (17) Although, with a view to the rights of defence of the relevant undertakings, the Commission endeavours to indicate as precisely as possible the subject-matter and place of the investigation, Regulation 17 does not require it to specify in the decision itself the places at which it will carry out the investigation. This is indeed understandable since, particularly in the case of large undertakings with a complex structure, it is frequently impossible to check beforehand where all the business premises of relevance to the investigation might be situated. In this respect, the Commission inspectors rely on the cooperation and information given by the relevant undertaking. However, the Commission may, if it wishes, limit the scope of an investigation geographically. Any such restriction would have had to be specified in Article 1 of the Decision. This clearly did not occur in the present case.
- (18) Akzo Chemicals BV further argues that the offices of its director situated in Arnhem are premises belonging to Akzo NV. In its opinion, this means that:
- (a) the oral information given on 6 October 1993 to the effect that there are no offices of Akzo Chemicals BV in Arnhem is correct;
 - (b) on 7 October 1993 it could not grant access to the office of its designated director since such office belonged to another undertaking (Akzo NV).
- (19) Akzo Chemicals BV does not make clear the grounds on which it considers that the office of Mr Vogelaar 'belongs' to Akzo NV (property, rental). In the Commission's view, this contention cannot be accepted. Offices are 'premises of undertakings' within the meaning of Article 14(1)(d) of Regulation No 17 if and to the extent that the business of the undertaking is carried out in them. Without any doubt, the function of designated director forms part of the business of an undertaking. Consequently, Mr Vogelaar's office in Arnhem forms part of the premises of Akzo Chemicals BV

which the Commission officials were authorized to enter in order to carry out the investigation, irrespective of any arrangements that might exist concerning such office between Akzo Chemicals BV and Akzo NV. The view put forward by Akzo Chemicals BV, taken to its logical conclusion, would mean that firms could partially evade investigations by housing their management in premises which, under civil law, belonged to another company. It would also mean that the obligation incumbent on undertakings to cooperate, and hence the effectiveness of investigations, would be curtailed in an unacceptable manner.

- (20) Akzo Chemicals BV argues finally that the oral information of 6 October 1993 to the effect that it had no offices in Arnhem was provided by a representative of Akzo NV and not by a representative of Akzo Chemicals BV. It should be noted that the relevant member of the legal service of Akzo NV was expressly specified by the latter company as the interlocutor of the Commission officials with a view to the carrying out of the investigation decision addressed to Akzo Chemicals BV. However, whatever the formal mandate may have been of the person who gave the above information, Akzo Chemicals BV must be held responsible for it, since it was given in the presence of its designated director, who did not contradict it.

2. Article 15 of Regulation No 17

- (21) Pursuant to Article 15(1)(c) of Regulation No 17, the Commission may by decision impose on undertakings fines of from ECU 100 to ECU 5 000 where, intentionally or negligently, they refuse to submit to an investigation which the Commission has ordered by decision issued pursuant to Article 14(3).
- (22) Akzo Chemicals BV did not fully submit to the investigation which the Commission ordered by Decision of 22 September 1993 (see recital 14 above).
- (23) With regard to the question as to whether Akzo Chemicals BV evaded the investigation intentionally or negligently, the company points out amongst other things that the investigation at the offices of its director involved legally complex questions, so that there can be no question of culpability. Akzo Chemicals BV also insists in its reply to the statement of objections that the Decision was not addressed to Akzo NV and that in

addition the inspectors did not on the first day of the investigation expressly request to be allowed to inspect the office of Mr Vogelaar.

- (24) In the Commission's view, it may not be inferred from these circumstances that Akzo Chemicals BV was not at fault in the partial refusal to submit to the investigation. It was known to the company that its director had his office at Arnhem. Akzo Chemicals BV should therefore have realized that that office formed part of the company's premises and that the investigation was supposed to include that office. The statement that 'there are no offices of Akzo Chemicals BV in Arnhem', which was therefore incorrect, and the refusal to ensure, from the establishment in Amersfoort, that access was given to the office of its director mean that Akzo Chemicals BV, at least negligently, failed to submit to the investigation.

- (25) It is therefore appropriate that a fine should be imposed on Akzo Chemicals BV. The actions of that undertaking jeopardized the performance of the duties assigned to the Commission by Article 89 of the EC Treaty and by provisions adopted under Article 87 of the EC Treaty. The effectiveness of the investigation which the Commission ordered by Decision of 22 September 1993 depended particularly on its coming as a surprise, which was ensured by the fact that the undertaking was not informed of the investigation beforehand. Akzo Chemicals BV prejudiced this surprise effect, the aim of which is to ensure that any evidence is not destroyed or removed; it thus frustrated the effectiveness of the investigation. In view of the serious consequences this had on the Commission's investigation, it appears appropriate to set the amount of the fine at ECU 5 000,

HAS ADOPTED THIS DECISION:

Article 1

A fine of ECU 5 000 (five thousand) is hereby imposed on Akzo Chemicals BV for failing to submit fully to the investigation which the Commission ordered by the Decision of 22 September 1993 adopted pursuant to Article 14(3) of Regulation No 17, during which, at the very least negligently, it:

- (a) supplied incorrect information on 6 October 1993; and
- (b) did not comply on 7 October 1993 with the request that access be allowed to the office of its designated director.

Article 2

The fine imposed in Article 1 shall be paid, in ecus, within three months of the date of notification of this Decision, into bank account No 310-0933000-43 of the Commission of the European Communities, Banque Bruxelles-Lambert, Agence Européenne, Rond-Point Schuman 5, B-1040 Brussels.

After the expiry of that period, interest shall be automatically payable on the fine at the rate charged by the European Monetary Institute for transactions in ecu on the first working day of the month in which this Decision is adopted, plus 3,5 percentage points, namely 9,25 %.

Article 3

This Decision is addressed to: Akzo Chemicals BV having its registered office in Amersfoort.

Address :

Stationsplein 4,
NL-3818 LE Amersfoort.

This Decision shall be enforceable pursuant to Article 192 of the EC Treaty.

Done at Brussels, 14 October 1994.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 4 November 1994

suspending the buying in of butter in certain Member States

(Only the Danish, German, French, Italian, Dutch and English texts are authentic)

(94/736/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1880/94 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by Regulation (EEC) No 1634/91 ⁽⁴⁾, sets out the circumstances under which the buying in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁵⁾, as last amended by Regulation (EEC) No 2011/91 ⁽⁶⁾, lays down the criteria on the basis of which the buying in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region;

Whereas Commission Decision 94/568/EC ⁽⁷⁾ suspends buying in of butter in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, France, Italy, Luxembourg, the Netherlands, Great Britain and Northern Ireland; whereas the list of Member States where that suspension applies must be adapted accordingly;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS DECISION:

Article 1

The buying in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, France, Italy, Luxembourg, the Netherlands, Great Britain and Northern Ireland.

Article 2

Decision 94/568/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom.

Done at Brussels, 4 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 21.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 150, 15. 6. 1991, p. 26.

⁽⁵⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁶⁾ OJ No L 185, 11. 7. 1991, p. 5.

⁽⁷⁾ OJ No L 215, 20. 8. 1994, p. 31.

COMMISSION DECISION

of 9 November 1994

amending Commission Decision 92/452/EEC establishing list of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community

(Text with EEA relevance)

(94/737/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and imports from third countries of embryos of domestic animals of the bovine species⁽¹⁾, as last amended by Council Directive 94/113/EC⁽²⁾, and in particular Article 8 thereof,

Whereas Commission Decision 92/452/EEC⁽³⁾, as last amended by Decision 94/678/EC⁽⁴⁾, establishes a list of embryo collection teams and embryo production teams

approved in third countries for the export of embryos of domestic animals of the bovine species to the Community;

Whereas the competent authorities of the United States of America have forwarded amendments to their list of teams;

Whereas it is now necessary to amend the list of approved teams as regards the United States of America;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following embryo collection teams are added in part 3 of the Annex to Decision 92/452/EEC:

'94MI074 E636	GGs Genetics 1 200 Stillman Road Mason, MI	Dr John D. Gunther
94ME075 E812	New England Genetics RR3, Box 630 Auburn, ME	Dr Calvin Blessing'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 November 1994.

For the Commission

René STEICHEN

Member of the Commission

⁽¹⁾ OJ No L 302, 10. 10. 1989, p. 1.

⁽²⁾ OJ No L 53, 24. 2. 1994, p. 23.

⁽³⁾ OJ No L 250, 29. 8. 1992, p. 40.

⁽⁴⁾ OJ No L 269, 20. 10. 1994, p. 40.